

### REMARKS

Applicant has carefully studied the outstanding Official Action mailed on March 19, 2009. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1-8 stand rejected under 35 USC §103(a) as being unpatentable over Grof et al. (US 2004/0248307).

Applicant appreciates Examiner's clear explanation of this rejection. In response thereto, it is noted that copending US 2004/0248307 only teaches about 3 ppm marker concentration (paragraph 0047): "The inventors found out that fluid marking system 50 is capable to produce, for example, a marker concentration of 3 ppm, with a deviation of 5%. Thus, an adulterated fluid which contains the same marker at greater than 3.15 ppm or less than 2.85 ppm, can be detected as such"

In contrast, in the instant invention, as stated in the first paragraph of the detailed description, the fuel additive is "added in small amounts to fuel, such as but not limited to, 1-10 ppm". Accordingly, claim 1 has been amended to recite the range of 3.16-10 ppm not taught by US 2004/0248307.

Claims 1-8 are thus deemed allowable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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